

ZB# 79-21

George Chaleff /  
Leslie Wenger

35-1-44

Public Hearing:

8:15 p.m. -

November 26, 1979

Special Permit  
(change of use)

OCPD to be  
notified.

Called

11/14/79 - George Chaleff -

562-393

and apprised him of  
situation that notice  
had to go to paper on  
11/15/79 - He said he  
would notify Mr. Wenger.  
Mr. Wenger did not  
call me.

Public Hearing

Feb. 28, 1980 - 8 p.m.

(Barry Silver.)

(2nd) Legal notice mailed to:

The Sentinel

on 1/25/80. Rd.

# GENERAL RECEIPT

4177

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF

*Wenger Enterprises* *Nov. 30* 19 *79*  
*Twenty Dollars* \$ *20.00*  
DOLLARS

FOR

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>Check #20.00</i>		

BY

*Pauline H. Townsend*  
*Town Clerk* (900)

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

# GENERAL RECEIPT

4186

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF

*Wenger Enterprises* *Dec 12* 19 *79*  
*Fifty and 00/100* \$ *50.00*  
DOLLARS

FOR

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>50.00</i>		
<i>ck</i>		

BY

*Pauline H. Townsend*  
*Town Clerk*

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

# GENERAL RECEIPT

4227

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF

*Baray B. Silver* *Feb. 11* 19 *80*  
*Fifty and 00/100* \$ *50.00*  
DOLLARS

FOR

DISTRIBUTION:

FUND	CODE	AMOUNT

BY

*Pauline H. Townsend*

FUND	CODE	AMOUNT
Check #20.00		

Williamson Law Book Co., Rochester, N. Y. 14609

BY Pauline H. Townsend  
Town Clerk  
 TITLE

## GENERAL RECEIPT

4186

TOWN OF NEW WINDSOR  
 555 Union Avenue  
 New Windsor, N. Y. 12550

RECEIVED OF Wenger Enterprises Dec 12 19 79  
Fifty and 00/100 \$ 50.00  
 DOLLARS

FOR 3BA #79-21

DISTRIBUTION:		
FUND	CODE	AMOUNT
50.00		
ck		

Williamson Law Book Co., Rochester, N. Y. 14609

BY Pauline H. Townsend  
Town Clerk  
 TITLE

## GENERAL RECEIPT

4227

TOWN OF NEW WINDSOR  
 555 Union Avenue  
 New Windsor, N. Y. 12550

RECEIVED OF Baray B. Silver Feb. 11 19 80  
Fifty and 00/100 \$ 50.00  
 DOLLARS

FOR 79-21 Variance Fee (3BA)

DISTRIBUTION:		
FUND	CODE	AMOUNT
50.00		
ck		

Williamson Law Book Co., Rochester, N. Y. 14609

BY Pauline H. Townsend  
Town Clerk  
 TITLE

297-4332  
 Wappinger

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
LESLIE B. WENGER and GEORGE CHALEFF.

DECISION GRANTING  
SPECIAL PERMIT

Application #~~80-2~~ #79-21.  
-----X

WHEREAS, GEORGE CHALEFF of 299 Windsor Highway, Town of New Windsor, New York, and LESLIE WENGER of P. O. Box 344, R. D. #2, Chester, New York 10918, have made application for a special permit before the Zoning Board of Appeals to permit a pizza and sandwich shop to be located in a C zone at the former Lottie's Liquor Store on Route 32 in the Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 11th day of February, 1980 at the Town Hall, Town of New Windsor, New York; and

WHEREAS, the applicants were represented by Barry B. Silver, Esq. of 807 Broadway, Newburgh, N. Y. 12550; and

WHEREAS, the application was opposed by the owner of a restaurant located across the road; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented at the hearing showed that the essential character of the neighborhood would not be changed with the proposal before the Board.

2. The evidence presented at the hearing showed that the proposed parking plan as submitted would not create a traffic hazard in this area.

3. The evidence shows that the public health, safety and welfare and the comfort and convenience of the public in general, and of the immediate neighborhood in particular, would not be jeopardized by the proposed use before the Board.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The proposed application as presented will not hinder the public health, safety and welfare and comfort and convenience of the public in general, and the residents of the immediate neighborhood.

NOW, THEREFORE, BE IT,

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor approve a special permit as requested by Leslie Wenger and George Chaleff with the following restrictions:

1. That same shall be subject to site plan review as may be required by law;

2. There are to be<sup>a</sup>/clearly marked fire lane in the north end of the property where there is to be no parking;

3. Entrance to be shown on the plans submitted, and exit to be as far south as feasible; and

4. Subject to the changes to the facade of the structure as presented on the plans submitted to the Board.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk,

Town Planning Board and applicants' attorney.

Dated: February 25, 1980.

*Richard Fenwick*  
vice-chairman

(914) 565-8550

February 13, 1980

Barry B. Wilver, Esq.  
P. O. Box 2265  
807 Broadway  
Newburgh, N.Y. 12550

RE: APPLICATION FOR SPECIAL PERMIT  
WENGER/CHALEFF - #79-21

Dear Barry:

This is to confirm that the above application for a special permit was granted at the February 11, 1980 public hearing held before the Zoning Board of Appeals. Said application is granted with the following restrictions:

1. Subject to site plan review as may be required by law;
2. Subject to a clearly marked fire lane in the north end of the property where there is to be no parking;
3. Entrance to be shown on the plans submitted, and exit to be as far south as feasible; and
4. Subject to changes to the facade of the structure.

A formal decision will be drafted and acted upon at an upcoming meeting of the Board. I will transmit a copy to your office at that time.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Town Planning Board  
Town Building Inspector



28A-1980  
FEB 19 REC'D  
562-1218

State of New York  
County of Orange, ss:

*EVERETT SMITH*, being duly sworn  
deposes and says that he is  
.....*PRESIDENT*..... of The E.W.  
Smith Publishing Company, Inc.,  
Publisher of The Sentinel weekly news-  
paper published and of general circu-  
lation in the Towns of New Windsor and  
Newburgh, and that the notice of which  
the annexed is a true copy was published  
.....~~in said newspaper~~ *ONCE*.....

in said newspaper, commencing on the  
.....*31<sup>st</sup>*..... day of .....*JANUARY*..... A.D.,  
1980

Subscribed and sworn to  
before me this .....*14*..... day of  
.....*JANUARY*..... 1980

*Royce R. Pelletta*  
NOTARY PUBLIC, STATE OF NEW YORK  
RESIDING IN ORANGE COUNTY  
COMMISSION EXPIRES *MARCH 30, 1982*  
.....*S.2*.....  
Notary Public of the State of New York,  
County of Orange.  
My commission Expires 1980

# Legal Notices:

## Public Hearing On Special Permit; BD Water Fouled

PUBLIC NOTICE OF HEARING  
BEFORE ZONING BOARD OF  
APPEALS TOWN OF  
NEW WINDSOR

PLEASE TAKE NOTICE that  
the Zoning Board of Appeals of  
the TOWN OF NEW WINDSOR,  
New York will hold a Public Hear-  
ing pursuant to Section 48-33A of  
the Zoning Ordinance on the fol-  
lowing proposition:  
Appeal No. 2  
Request of **GEORGE CHA-  
LEFF AND LESLIE WENGER** for  
a SPECIAL USE PERMIT of the  
regulations of the Zoning Ordinance  
to permit operation of  
PIZZA SHOP AND SANDWICH

SHOP being SPECIAL USE PER-  
MIT of Section 48-9 (table of use  
regulation Column B-9) for property  
situated as follows:

Route 32 (formerly Lott's Liquor  
Store) Town of New Windsor,  
New York  
SAID HEARING will take place  
on the 11th day of February,  
1980, at the New Windsor Town  
Hall, 555 Union Avenue, New  
Windsor, N.Y. beginning at 8:00  
o'clock P.M.

VINCENT BIVONA  
Chairman

2

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

Prelim. meeting -  
10/22/79.

P.H. - 11/26/79 - 8:15  
pm

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date ..... 10/3, 1979...

To Leslie B. Wenger / Chaleff -

Box 344 Steven's Place

Chester, N.Y. 10918 (914) 783-7235

PLEASE TAKE NOTICE that your application dated ..... 10/3, 1979

for permit to OPERATE A PIZZA & SANDWICH SHOPPE

at the premises located at ROUTE 32 (FORMER LOTTIE LIQUOR STORE)

is returned herewith and disapproved on the following grounds:

SPECIAL USE REQUIRED ARTICLE III 48-9

COLUMN B 9

"C" zone - change of use  
from retail store to  
sandwich shop.

Howard R. Covert  
Building Inspector

file

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
LESLIE B. WENGER and GEORGE CHALEFF.  
Application #79-21.

DECISION DENYING  
SPECIAL PERMIT.

-----X  
WHEREAS, GEORGE CHALEFF of 299 Windsor Highway, Town of New Windsor, New York, and LESLIE WENGER of P. O. Box 344, R. D. #2, Chester, New York 10918, have made application for a special permit before the Zoning Board of Appeals to permit a pizza and sandwich shop to be located in a C zone at the former Lottie's Liquor Store on Route 32 in the Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 10th day of December, 1979 at the Town Hall, Town of New Windsor, New York; and

WHEREAS, the applicants represented themselves; and

WHEREAS, the application was opposed by the owner of a restaurant located across the road; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the essential character of the neighborhood is commercial and is on a heavily travelled road, Route 32. This proposed restaurant is also located across the road from a very busy lane, Willow Parkway.

3. The evidence shows that the proposed parking area for the restaurant is located in such a spot as to create a traffic hazard when automobiles pull out going northbound.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The proposed application as presented will hinder the public health, safety and welfare and comfort and convenience of the public in general and the residents of the immediate neighborhood.

NOW, THEREFORE, BE IT,

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor deny a special permit as requested by Leslie Wenger and George Chaleff in the application before the Board.

BE IT FURTHER, RESOLVED

That the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: January 14, 1980.

  
Chairman

**INTER-OFFICE CORRESPONDENCE**

**TO:** TOWN PLANNING BOARD  
**FROM:** ZONING BOARD OF APPEALS  
**SUBJECT:** PUBLIC HEARING BEFORE ZBA -February 11, 1980  
**DATE:** February 5, 1980

Kindly be advised that there ~~are~~ <sup>are</sup> two public hearings scheduled for the evening of Monday, February 5, 1980:

8 p.m. - Application of GEORGE CHALEFF/ LESLIE WENGER for special permit to operate a pizza and sandwich shop in the old Lottie's Liquor Store location.

8:15 p.m. - Application of MAPAC REALTY - adjourned from January 28, 1980.

Attached hereto are Application of Chaleff/Wenger, together with public hearing notice. You have been previously furnished with copies of application of MAPAC with pertinent public hearing notice.

Pat

/pd

Enclosures

cc: Howard Collett, Bldg/Zoning Inspector

*Barry B. Silver, P.C.*

ATTORNEY AT LAW

BARRY B. SILVER

THOMAS J. MURPHY

*Post Office Box 2265*

*807 Broadway - Newburgh, New York 12550*

(914) 562-9020

January 23, 1980

Town of New Windsor  
Zoning Board of Appeals  
Union Avenue  
New Windsor, New York 12550

Attention: Pat Delio

JAN 25 REC'D  
1980

Re: Application of Chaleff and Wenger

Dear Pat:

Enclosed herewith please find an original and two copies of the above-referenced application to the Zoning Board together with my check in the amount of \$50.00, the list of property owners, the mailing receipts and the public notice.

It is my understanding that the hearing is scheduled for February 11, 1980 at 8:00 P. M.

The plot plan is forthcoming in the very near future and I shall forward the same to you as soon as it is received.

Very truly yours,

BARRY B. SILVER, P. C.

*Barry B. Silver*  
BARRY B. SILVER *kb*

BBS:kab

Enclosure



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

ASSESSOR XXXXX

XXXXXXXXXXXX

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

23

Smith William & Christine  
c/o Budlong  
47 Ashwood Circle  
Warwick, R.I. 02886

Ross Martin  
272 Windsor Highway  
New Windsor, N.Y. 12550

Lander Francis A & Clara  
278 Windsor Highway  
New Windsor, N.Y. 12550

Friedman Alfred  
295 Madison Ave.  
New York, N.Y. 10017

New Windsor Realty Corp.  
Continental Manor Assoc.  
7 Ridge Dale Ave.  
Cedar Knolls, N.J. 07927

Notartomaso Peter A & Mary  
279 Windsor Highway  
New Windsor, N.Y. 12550

Cavalari Agnes E.  
Bethlehem Rd. R.D. 2  
New Windsor, N.Y. 12550

Primavera Lucy  
287 Windsor Highway  
New Windsor, N.Y. 12550

Pares George  
c/o McNicholas Thomas  
5 Ivy Lane  
Tenafly NJ

Consolidated Railroad Corp.  
Tax Dept. Room 1310

23  
Lucera Nicholas & Carmela  
1 Willow Lane  
New Windsor, N.Y. 12550

Matthews Marie B  
7 Willow Lane  
New Windsor, N.Y. 12550

Guerriero John & Antoniette  
23 Willow Parkway  
New Windsor, N.Y. 12550

Connors Mary C  
3 Willow Lane  
New Windsor, N.Y. 12550

Bargisen Carl Jr & Mary  
44 Willow Parkway  
New Windsor, N.Y. 12550

Pacione Dominick & Antoinette  
48 Willow Parkway  
New Windsor, N.Y. 12550

San Giacomo William & Rina  
38 Willow Parkway  
New Windsor, N.Y. 12550

Smith George & Katherine  
40 Willow Parkway  
New Windsor, N.Y. 12550

Emmanuele Santo & Edvige  
42 Willow Parkway  
New Windsor, N.Y. 12550

Roberti Joseph N & Carole  
27 Willow Parkway  
New Windsor, N.Y. 12550

Sac-Tac Inn Inc.  
30 Quassaick Ave.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING  
ASSESSOR  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Foti Florist Ent. Inc. ✓  
11 Coach Lane  
Newburgh, N.Y. 12550

McMahon Harold J Jr. & Marilyn ✓  
9 Willow Lane  
New Windsor, N.Y. 12550



2/11/80 - Public Hearing - 8 p.m. - Wenger/Chaleff

Name:

Address:

Sal Cracchiolo - Two Co - 265 Windsor Hwy, N.W.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-2

(Number)

January 21, 1980

(Date)

I. Applicant information:

(a) GEORGE CHALEFF, 299 Windsor Highway, New Windsor, N.Y.

(Name, address and phone of Applicant)

(b) ~~LESLIE WENGER, Box 344, Stevens Place, Chester, N.Y.~~

(Name, address and phone of ~~purchaser~~ lessee)

(c) -

(Name, address and phone of attorney)

(d) -

(Name, address and phone of broker)

II. Application type:

☐

Use variance

☐

Area variance

☐

Sign variance

☒

Special permit

III. Property information:

(a) C Route 32, Windsor Highway 35-1-44  
(Zone) (Address) (M B L) (Lot size)

(b) What other zones lie within 500 ft.? R-4

(c) Is a pending sale or lease subject to ZBA approval of this application? yes

(d) When was property purchased by present owner? \_\_\_\_\_

(e) Has property been subdivided previously? no When? \_\_\_\_\_

(f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-2

(Number)

January 21, 1980

(Date)

I. Applicant information:

- (a) GEORGE CHALEFF, 299 Windsor Highway, New Windsor, N.Y.  
(Name, address and phone of Applicant)
- (b) LESLIE WENGER, Box 344, Stevens Place, Chester, N.Y.  
(Name, address and phone of ~~applicant~~ lessee)
- (c) -  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

III. Property information:

- (a) C Route 32, Windsor Highway 35-1-44  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? \_\_\_\_\_
- (e) Has property been subdivided previously? no When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when 10/3/79
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. none proposed

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow \_\_\_\_\_

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

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VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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☒ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section 48-9, Table Use Regs. Column B-9.
- (b) Describe in detail the use and structures proposed for the special permit.

The former Lottie's Liquor Store, located on Route 32, in a "C" zone is the situs of the property in question. Said property has been used as a liquor store for many years. Recently the store was used as a clock and watch repair shop wherein retail sales were conducted. Applicant intends to lease the store area to Leslie Wenger and Mr. Wenger proposes to use the premises as a pizza shop and sandwich store. This would be a change of business use from a retail store to sandwich shop.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

It is the intention of the lessee to repair the facade of the building. Since the store is now unoccupied, the property will be upgraded by the new business.

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping



- (b) Describe in detail the use and structures proposed for the special permit.

The former Lottie's Liquor Store, located on Route 32, in a "C" zone is the situs of the property in question. Said property has been used as a liquor store for many years. Recently the store was used as a clock and watch repair shop wherein retail sales were conducted.

Applicant intends to lease the store area to Leslie Wenger and Mr. Wenger proposes to use the premises as a pizza shop and sandwich store. This would be a change of business use from a retail store to sandwich shop.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

It is the intention of the lessee to repair the facade of the building. Since the store is now unoccupied, the property will be upgraded by the new business.

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

X. AFFIDAVIT

Date November 30, 1979

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

George I. Chaff  
(Applicant)

Sworn to before me this

1048 day of December, 1979.

Patricia Delio  
My Commission Exp. 3/30/80

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards: \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE MADE BY THE

STATE OF NEW YORK)  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

George J. Chaboff  
(Applicant)

Sworn to before me this

10th day of December, 1979.

Patricia Delio  
My Commission Exp. 3/30/80

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

Special Permit is \_\_\_\_\_

(c) Conditions and safeguards: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 21

Request of GEORGE CHALEFF

for a ~~VARIANCE~~ SPECIAL USE PERMIT of the regulations of the Zoning Ordinance, to permit operation of pizza and sandwich shoppe

being a ~~VARIANCE~~ SPECIAL USE PERMIT of Section 48-9-Table of Use Regulations-Col. B-9 for property situated as follows:

Route 32 (former Lottie's Liquor Store)  
Town of New Windsor, New York.

SAID HEARING will take place on the 10th day of December, 1979, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 8:30 o'clock P. M.

VINCENT BIVONA  
Chairman

Chaleff / Wenger

§ 48-16

NEW WINDSOR CODE

§ 48-16

§ 48-16

- (3) Size of spaces. Three hundred twenty (320) square feet shall be considered as one (1) parking space, to provide room for standing area and aisles for maneuvering. Entrance and exit lanes shall not be computed as parking space except for driveways for one-family and two-family residences as set forth in § 48-16A(2). The minimum parking stall width shall be ten (10) feet and the minimum length shall be twenty (20) feet.
- (4) Access. Unobstructed access to and from a street with an internal turnaround area shall be provided. Such access shall consist of at least two (2) ten-foot lanes for parking areas with twenty (20) spaces or more. No entrance or exit for any off-street parking area of five (5) or more spaces shall be located within seventy-five (75) feet of any street intersection.
- (5) Drainage and surfacing. All open parking areas shall be properly drained and all such areas shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.
- (6) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.
- (7) Combined spaces. When any lot contains two (2) or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for that use to the least requirement.
- (8) Location and ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the

(9)

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(1)

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
FROM: ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARINGS BEFORE THE ZBA  
December 10, 1979  
DATE: December 3, 1979

Kindly be advised that the following public hearings will be heard before the Zoning Board of Appeals on the evening of December 10, 1979:

8 p.m. - Application for use variance of  
DEBRA and ARTHUR VOLTAIRE

8:30 p.m. - Application for special permit  
of GEORGE CHALEFF/LESLIE WENGER

There will also be a court-ordered rehearing held in the matter of KAISER/PAJER v. STORTECKY, application for area variance.

I have attached hereto copies of the pertinent applications together with the public hearing notices in the above-entitled matters.

Pat

/pd

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector

12/19/79

Public Hearing - Chaleff/Wenger 8:30 p.m.

Name:

Address:

Nicholas Luera 1-William Lane.

Sal Cracchiolo - Two C's Inn - 265 Windsor Hwy.

(914) 565-8550

December 12, 1979

Mr. George Chaleff  
299 Windsor Highway  
New Windsor, N. Y. 12550

Mr. Leslie B. Wenger  
P. O. Box 344 - R. D. #2  
Chester, N.Y. 10918

RE: APPLICATION FOR SPECIAL PERMIT BEFORE ZBA

Dear Messrs. Chaleff and Wenger:

This is to confirm that your above application for a special permit before the New Windsor Zoning Board of Appeals was denied at a regular meeting held on December 10, 1979.

In answer to your telephone inquiry of December 12th, I have enclosed herewith an ~~exerpt~~ excerpt from Section 48-34 of the Town Zoning Code, Subdivision I, for your information in reapplying.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

Enclosure

cc: Howard Collett - Bldg./Zoning Inspector

Town Planning Board - Attn: Ernest Spignardo, Chairman



